REMARKS

This Amendment is fully responsive to the non-final Office Action dated March 22, 2007, issued in connection with the above-identified application. Claims 1-18 are all the claims pending in the application. With this Amendment, the specification, abstract, and claims 1, 3-5, 8-10, 12-14 and 17-18 have been amended. Additionally, claims 2 and 11 have been canceled. No new matter has been added by this Amendment; thus, reconsideration is respectfully requested.

At the outset, to facilitate the Examiner's reconsideration of the application, the Applicants have provided a substitute specification and a replacement abstract. The changes to the specification and abstract include minor editorial and clarifying changes. In addition to the substitute specification and replacement abstract, a "marked-up" copy of the specification and abstract are also enclosed.

In the Office Action, claims 1-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Orr (U.S. Patent No. 6,760,535, hereafter "Orr").

The Applicants have amended independent claims 1 and 10 to further distinguish over the cited prior art. Additionally, dependent claims 2-9 and 11-18 have been amended to be consistent with the amendments made to independent claims 1 and 10.

As amended, claim 1 recites "[a] recording apparatus comprising: a continuous recording unit...; a receiving unit operable to receive a specification on a period of time within the broadcast content;...a setting unit operable to set a protective attribute onto a part of the recording medium corresponding to the period of time..., and ...a pointer operable to indicate a location of writing in the recording medium, the continuous recording unit performing the overwriting by (i) writing the new video unit to the location of writing indicated by the pointer, and (ii) subsequently adding a size of the new video unit to the pointer, wherein the recording apparatus is operable to protect against overwriting by adding an offset to the pointer when the pointer reaches a vicinity of the part having the protective attribute such that the pointer skips the part having the protective attribute." These features are similarly recited in independent claim 10 (as amended).

As amended, the independent claims more particularly point out that overwriting of desired content, in a continuous recording apparatus, can be prevented in situations where storage space on a recording medium is limited. More specifically, in a recording apparatus, a pointer is implemented

to perform the continuous writing or overwriting process on the recording medium. In the present invention, protective attributes are implemented on a part of a recording medium, which corresponds to a period of time for protecting data. An offset is then added to the pointer so that the pointer will skip over the protected data during the continuous writing process. By controlling the pointer in this fashion, it is possible to protect part of an area (e.g., managed as a ring buffer) from being overwritten. These features of the present invention noted above are fully supported by the Applicants' disclosure (see, e.g., Figs. 11, 12, and 13A-Fig. 14D) and are not believed to be disclosed, taught or suggested by the cited prior art.

Orr discloses an apparatus for cache management of archived content that includes the use of a writing module. In the Office Action, the Examiner alleges that Orr discloses a recording apparatus that implements the use of a pointer that skips protected areas of a recording medium to prevent overwriting. However, the Applicants respectfully disagree with the Examiner interpretation of Orr. In Orr, a writing module records new content in a database, and overwrites existing content if insufficient space is available. Additionally, in Orr, content in the database is managed by implementing the use of different fields (e.g., SHOW TAG FIELD, PROTECTED FIELD and PLAYED FIELD) to the archived data. For example, a SHOW TAG FIELD is used to designate searchable data, a PROTECT FIELD is used for prohibiting the deletion of data, and the PLAY FIELD designates data that has already been played (see, col. 6, lines 14-66). Although Orr appears to implement the use of protective attributes (e.g., content marked as a PROTECTED FIELD), the reference is silent with regard to protecting part of an area (e.g., managed as a ring buffer) from being overwritten by adding a predetermined offset to a pointer or writing device. Instead, Orr appears to be primarily directed to storing and deleting content based on the availability of adequate storage space.

In the present invention, on the other hand, overwriting of data can be prevented under any condition by implementing an offset component to the pointer. When the pointer, indicating a location of writing (e.g., in a ring buffer), reaches a part (e.g., on a recording medium) to which protective attributes have been assigned, an offset is added to the pointer. The offset causes the pointer to skip over the part that is protected, thereby preserving the data.

Accordingly, independent claims 1 and 10 (as amended) are patentably distinguished over the cited reference. Additionally, dependent claims 3-9 and 12-18 are patentably distinguish over the cited reference based at least on their dependency from independent claims 1 and 10.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. Additionally, the Applicants respectfully request that the Examiner withdraw the rejections presented in the Office Action dated March 22, 2007, and pass this application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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